

THE DURRANT LAW FIRM

July 28, 2023

Via ECF and Email

Daniel Patrick Moynihan
Hon. Victor Marrero United States Courthouse
500 Pearl Street, Suite 1610
New York, New York 10007
ChambersNYSDMarrero@nysd.uscourts.gov

Re: *NIKE v. BY KIY, et al.* – 1:23-cv-02431-VM (S.D.N.Y.) – Emergency Objection to Magistrate Judge's Ruling

Dear Judge Marerro:

Per your Individual Rule of Practice II.A, Defendant and Counterclaimant By Kiy, LLC and Defendant Nickwon Arvinger (collectively, "By Kiy") write to call the Court's attention to ECF Nos. 106-108 in this case, regarding an emergency request for a stay of a deposition because of issues that arose yesterday requiring the mandatory withdrawal of undersigned counsel and Zakari Kurtz, my co-counsel. We have received word from Judge Cave's clerk that:

The Court will issue an order this morning DENYING the motion for a protective order. Mr. Arvinger's deposition SHALL proceed today as scheduled. The Court's Order shall also set a briefing schedule for Mr. Durrant's anticipated motion to withdraw and provide instructions regarding in camera review of any privileged documents.

By Kiy respectfully objects to this forthcoming ruling and appeals to Your Honor to reverse the forthcoming Order, issue a protective order staying the deposition, which is to occur today.

Respectfully submitted,



John Durrant, Esq.
THE DURRANT LAW FIRM, APC

Cc: Zakari Kurtz, Esq.